

HOUSE BILL NO. 562

INTRODUCED BY FRANKLIN

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE IMMUNITY PROTECTION GRANTED TO THE MEMBERS OF THE MONTANA COMPREHENSIVE HEALTH ASSOCIATION AND THEIR EMPLOYEES, THEIR REPRESENTATIVES, AND THE BOARD OF DIRECTORS; ~~LIMITING THE LIABILITY OF THE ASSOCIATION~~; AMENDING SECTION 33-22-1505, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-22-1505, MCA, is amended to read:

"33-22-1505. Liability of association membership. ~~No~~ A member of the association is not liable for the actions of the association or its lead carrier. There is no liability on the part of and a cause of action of any nature may not be brought against any member insurer in its capacity as member insurer or its agents or employees, members of the board of directors in their capacity as directors, or the commissioner or the commissioner's representatives for any action taken by them in the performance of their powers and duties under this part.

~~———— (2) There is no liability on the part of and a cause of action may not be brought against the association or its employees for exemplary, punitive, or other noncontractual damages."~~

NEW SECTION. Section 2. Two-thirds vote required. Because [section 1] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage.

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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